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UTAH STATE LIBRARY BOARD MEETING

Minutes

Wednesday, March 25, 2009
11:00 A.M. to 4:15 P.M.

**Utah State Library
Board Room's # 218 & 219
250 North 1950 West Ste. A
Salt Lake City, Utah 84116
801.715.6756**

Call to Order and Introductions at 11:00 a.m. March 25, 2009

Attendees:

Utah State Library Board Members: Terry Ann Harward, Chair; Jessica Van Buren, Vice Chair; Shelley Day, Lee Robinson, Kevin Ash and Michael Freeman

Attendees by phone: Carolyn Bessey and Sam Passey

State Library Board Members not in attendance: Brenda Hales

USL Staff: Donna Jones Morris, State Librarian/Division Director; Cheryl Mansen, Assistant Director/Library Development Program Manager; Bessie Oakes, Blind and Disabled Program Manager and Ron Van Harten, Executive Assistant

USL Staff (partial attendance): Craig Neilson, Library Resources Program Manager; Dr. Stephen Matthews, Rural Library Services Consultant; Jeri Openshaw, Information Specialist; Bela Vastag, Financial Manager; Paula Stuart, Director of the Multistate Center West; Scott Brooks, Electronics and Warehouse Supervisor; Lisa Nelson, Special Services Coordinator; Krista Griffiths, Readers Advocacy Librarian and Sara Wever, Grants Coordinator

Invited Guests: Kathy Kinsman, Assistant Attorney General, State Agency Counsel and Ed Lombard, Paralegal

Invited guests by phone (partial): Andrew Yergensen, LSTA Advisory Council Chair

Chair Harward asked each attendee present to introduce themselves.

Chair Harward acknowledged that both Board Members Bessey and Passey are participating via telephone. Assistant Attorney General Kinsman explained the law only requires public notification if the whole meeting was to be telephonic and therefore both

Board Member Bessey and Board Member Passey are allowed to participate. She also stated if there is to be any voting, both members will need to state which way they vote since they can not be seen.

Utah Open & Public Meetings Act

Assistant Attorney General Kinsman stated she is here to provide Utah Open Meeting Act training. She explained the only policy required to be posted online is the one governing how minutes are approved. Since our meeting is open to the public, the Board decides when setting the agenda whether or not public comment will be taken, and then designate it as a public hearing. The Board can establish at the beginning of the meeting what the expected conduct of any public in attendance will be. She recommended simply having a sign in sheet for all attendees, including the Board members. This sheet

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would then become part of the public record. Although the sign in sheet is not legally required, it helps the record keeper track who attended the meeting.

Paralegal Lombard said other Boards just use a sign in sheet. The statute only requires the name of anyone who is giving testimony to be named in the official record.

Assistant Attorney General Kinsman explained that the public did not have to be present at the meeting from the beginning and that the Board will set the criteria for the public to address the Board at the start of the meeting.

Conflict of Interest and Ethics Act

Assistant Attorney General Kinsman stated the requirements that apply to the State Board are found in Utah Code Annotated, Title 67 - Chapter 16.

Assistant Attorney General Kinsman's power point presentation is available on the State Library's web page. The purpose of this chapter is to set forth standards of conduct for officers and employees of the State and its political subdivisions in areas where there are actual or potential conflicts of interest between their public duties and their private interests. **(attachment #1)**

Assistant Attorney General Kinsman described "generally prohibited activity." It is an offense for a public officer or employee to: accept employment that requires or induces disclosure of controlled information; disclose or improperly use controlled or private information to further him/herself or others' personal economic interest; use or attempt to use official position to further the individual or others' personal economic interest; and, accept employment that might impair independence of judgment or ethical performance of public duties.

Assistant Attorney General Kinsman stated that a State employee cannot knowingly receive, accept or take a gift of substantial value that would tend to improperly influence a reasonable person to diminish their official duties. She also stated that an occasional nonpecuniary gift of less than \$50.00 is not improper. Also, if the Board were to receive a donation, the donation must be disclosed and certified as voluntary. If an agency was to receive compensation for assistance in a transaction, the agency can accept the compensation if they file a sworn statement with the head of the agency and the Attorney General and the sworn statement must be filed within 10 days of the transaction. If a State employee has a personal interest or investment in a business that does business with the State, the employee must disclose this. However, Section 9 of this chapter states that no public officer shall have personal investments in any business entity which will create a conflict of interest between his private interests and public duties. If in doubt about a conflict of interest, it is best to contact her office for further guidance.

Utah Open & Public Meetings Act continued...

Paralegal Lombard stated the requirements that apply to the State Board are found in Utah Code Annotated, Title 52 - Chapter 4 which is the Declaration of Public Policy. **(attachment #2)**

Paralegal Lombard stated "We are all public employees and we answer to the public. Therefore the public has a right to know what we are doing on their behalf." Title 52 - Chapter 4 ensures that the public is allowed to see openly what goes on when we are doing their business. The Utah State Library Board is subject to this law. If the Board has subcommittees that are basically volunteers and don't have any legislative authority, then they would not be subject to this act.

Paralegal Lombard stated that within the meaning of Title 52 - Chapter 4, a meeting is when there is a quorum present and this meeting will need to be noticed out. If the Board is going to have an electronic meeting, the Board would have to notify it as such and provide an anchor station for the public and just because one or two members of the Board were unavailable to attend in person and did participate via the telephone does not constitute an electronic meeting. Only if all Board members were participating

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electronically would this be considered an electronic meeting in accordance with the Public Meetings Act. There are only a few reasons to hold a closed meeting, including if the Board will be discussing an individual's character, professional competence or physical or mental health. Discussions regarding security, personnel or devices can be discussed in a closed meeting. However, before the Board can close a meeting, the Board must first hold an open meeting and have a quorum vote on closing the meeting.

Title 52 – Chapter 4 – 202 states that written notice must be posted at the place where the meeting is being held, the notice must be given to at least one general circulation newspaper and after October 2008, the notice must be posted on the Utah Public Notice Website at least 24 hours prior to the meeting. On the website the notice must include the agenda, date, time and place of the meeting.

Title 52 – Chapter 4 – 203 states that minutes of open meetings and recordings of the meeting are a matter of public record and the written minutes are the official record of the meeting. Written minutes shall be available to the public before final approval as long as they are identified as "UNAPPROVED."

Love Your Library Week, Summer Reading and We Shall Remain

Information Specialist Openshaw stated that because of the "Love Your Library Week" concurrent resolution, USL is saving money by running the Public Service Announcement (PSA) from last year from April 12th to April 18th.

She handed out a pamphlet that explains the Library's partnership with KUED. They are going to run five documentaries about Utah's five Native American Tribes. She also suggested that people visit the Utah Museum of Fine Arts at the University of Utah and see the exhibits of Utah's Native Americans. Also the blind will have the opportunity to exhibit items they create at the Rio Grande Depot starting September 25th. **(attachment #3)**

November Board Minutes

Board Member Day moved to continue the minutes from November's Board meeting to the next Board meeting with Vice Chair Van Buren seconding the motion. The motion passed unanimously including Board Members Passey and Bessey voting in favor by phone.

House Bill 236 (H.B. 236) (Department of Community and Culture Grants)

Rural Library Services Consultant Matthews stated that H.B. 236 modifies provisions of Title 9, Community and Culture Development, regarding grant programs administered by certain divisions, offices, and boards within the Department of Community and Cultural in the divisions of Arts and Museums, State Library, and State History. One of the significant changes the Bill requires is that the State Library Board must submit a report by September 30th of each year to the Legislature and the Governor concerning request for prioritized capital facilities grants to be awarded to eligible applicants. State Librarian Morris stated that since the passing of this bill, the Department is now in the process of writing rules and procedures.

Board Members Day and Passey were excused.

Open Source Summary

Program Manager Neilson summarized the LSTA Open Source Project. The Grand County Library will be going live with their open source ILS implementation (Koha) system within the next two weeks. The University of Utah decided that the Evergreen open source project did not meet their needs; they will be using Ex Libris as their ILS system. The Koha system has been successfully implemented in several school districts.

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Board Activities and Meeting Items on Behalf of USL

Chair Harward stated that the Utah State Library will be represented at the upcoming ULA meeting. She told the Board that letters of congratulations were sent to all Utah Legislators on their recent elections.

Board Member Bessey stated that with limited funds within the state, the Utah Library Association (ULA) legislative committee is trying to find alternative ways to help Utah libraries. One way is to establish a model consortium for Utah public libraries. They are patterning a proposal after the Utah Academic Libraries Consortium (UALC). Most Utah public library directors have received an email explaining what the legislative committee is doing in terms of helping their libraries and that meetings are being scheduled to further discuss the issue.

She stated that a statement is being written to present at the ULA conference explaining how the LSTA funding is going to be spent.

Board Member Bessey reported that the Economic Development and Revenue Appropriations Subcommittee toured the Utah State Library and appeared to have enjoyed the tour. The committee appears to have a better understanding of what the State Library does on a daily basis. The Board members discussed how important it is to have librarians talking to their legislators.

Chair Harward discussed the term limits of the Board members and suggested that those members who are going to be leaving submit at least two names of people they would recommend to be new Board members. **(attachment #4) (action item #1 - Recommendation for new Board Members)**

Chair Harward invited the board members to look at dates for the state board in 2010 giving consideration to when the LSTA committee meets. **(action item #2 - 2010 meeting date)**

Board Member Bessey moved to have a Utah State Library Board meeting on Wednesday, April 7, 2010 with Board Member Freeman seconding the motion. The motion passed unanimously, Board Member Bessey voting in favor by phone.

Chair Harward presented to the board a proposed "procedures for meeting minutes" that states how the minutes will be approved. Board Member Robinson moved to accept the proposed procedures for meeting minutes with Vice Chair Van Buren seconding the motion. The motion passed unanimously, Board Member Bessey voting in favor by phone. **(attachment #5)**

Standard of Conduct for guests was discussed and the Board felt more information was needed. Board Member Bessey moved to continue the discussion until the next meeting with Board Member Robinson seconding the motion. The motion passed unanimously, Board Member Bessey voting in favor by phone. **(attachment #6) (action item #3 – Standard of Conduct for guests)**

USL Budget Process 2009-2010

State Librarian Morris explained that the budget process was different this year from previous years because of the significant funding reductions. State Librarian Morris, the program managers and the fiscal manager have spent untold hours developing and providing budget cutting scenarios. Throughout this process there has been particular analysis and consideration of how to cut the budget with the least impact on USL patrons including the blind and disabled and libraries. USL service levels will not be the same with the reduced funding, but USL staff is working to deliver the best possible service with the funding allocated.

USL Budget Expenditures 2009 Update

Financial Manager Vastag explained that the State Library's FY 2009 budget has been cut twice by the Legislature for total reduction in General Funds of \$311,700. As of February the State Library has only

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spent 60% of their operating budget and the Library has been very proactive based on the fact that budget cuts were coming.

Return on Investment (ROI) Study of Public Library Services to Utah's Economy

Rural Library Services Consultant Matthews said the ROI Study calculates the return on investment of the community in terms of library service. The preliminary indications are that there is a \$7.35 value for every tax dollar expended for library services across the State. This was a pilot study and based on the results, there will be a more detailed study conducted that will give more precise information on how tax dollars are invested in library services.

Blind Program Overview

Program Manager Oakes stated that Utah State Library serves the whole State of Utah and contracts out with Wyoming for full library services. There are 22 additional states that contract out for Braille services. The Library of Congress contracts out to the Utah State Library for the Multistate Center. The States that contract with USL bring in revenues to Utah of \$690,800, of which \$390,000 is from the Library of Congress for the Multistate Center West.

Multistate Center West

Multistate Center West Director Stuart explained that while Multistate Center West is a part of the Library for the Blind, they serve a different purpose. The Multistate operates under a contract with the National Library Service for the Blind and Physically Handicapped. The only patrons they serve directly are U.S. citizens who live overseas and other than that, they serve libraries west of the Mississippi. The Multistate Center West provides interlibrary loan back up for libraries, is the largest supplier of Braille to the national network of libraries, duplicates and provides master tapes for recorded books, and provides nationally produced supplies. They also provide all the play back machines on which recorded books can be heard.

Electronics and Warehouse Supervisor

Supervisor Brooks explained that Utah State Library is in partnership with the Department of Corrections in a program known as Reading for the Blind. Nineteen inmates and one Corrections staff officer work for the Reading for the Blind. Technology is changing from analog to digital and by 2012 cassettes will no longer exist. The inmates who work full time for Reading for the Blind are paid by the Department of Corrections, and the work they do would take at least 19 – 20 FTE's to replace.

Special Services Coordinator

Special Services Coordinator Nelson gave a brief update on the blind library programs under her management. First, she talked about the Radio Reading Service Program, stating that since January 2008, 15 new programs have been added. By adding new programming, the service has diversified the types of programs offered to listeners, and has increased the hours the broadcast airs to 24 hours a day, 7 days a week. Technology has been upgraded and the Radio Reading Service is moving away from transmitting with an analog broadcast system, and is now transmitting over the internet using a digital broadcast system to KBYU, the host provider.

Readers Advocacy Librarian

Readers Advocacy Librarian Griffiths stated that Library staff have attended and exhibited at 13 outreach events this year. Two more events are coming up in May at the Magna Senior Center and the Midvale Senior Center. "Art Beyond Bounds" is a cooperative project between the Utah State Library and Utah State Arts Council, and they are soliciting artists who are blind, visually or physically disabled to exhibit their art pieces. It is open to all ages. The exhibit is scheduled to start Friday September 25th at the Rio Grande Depot Mezzanine floor and will run through the holidays. **(attachment #7)**

A patron survey was sent out to 5,800 patrons throughout Utah and Wyoming and 1,418 surveys were returned. Of those returns, 95% stated they were satisfied or better with the materials they received from

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the library, 94% stated they were satisfied or better with the library staff, and 97% rated the overall quality of service received as good or better.

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LSTA Spring Grant Review Report

LSTA Advisory Council Chair Yergensen reported on the regular grants (\$10,001 - \$75,000) funded during the spring grant round. There were 7 regular grant applications, of which 4 were fully funded in the amount of \$73,512. LSTA Advisory Council Chair Yergensen, Assistant Director Mansen and Grants Coordinator Wever summarized information regarding the 3 grants that were not funded. Chair Harward told LSTA Advisory Council Chair Yergensen that the State Board appreciates what the Council does, and asked him to please express to them the Board's appreciation for the work that they put into this. **(attachment #8)**

LSTA Advisory Council Chair Yergensen reported that Kim Fong, Manager at the Metro Jail of Salt Lake County Library, was unanimously voted in as the new Vice Chair, and that she will take over this role July 1st. At that time Rachel Wadham will take over as the new Chair of the LSTA Council.

LSTA Advisory Council Chair Yergensen asked the State Board's assistance with making recommendations to replace Hugh Zumbro, who represents Library Users-Urban Areas and Ray Martin, who represented Library Services for Disabled Persons. Chair Harward asked about the nomination process. State Librarian Morris responded that the LSTA Council takes nominations, reviews resumes, and then makes a recommendation to the State Board. The State Board has the authority to make Council appointments. **(action item #4 – State Board asked to make recommendations for new LSTA Council members representing library users – urban areas and library services for disabled patrons)**

LSTA Advisory Council Chair Yergensen made a recommendation to the State Board that the Council have only one regular grant review meeting per year, to have more competition and to save money. The State Board, by consensus, approved the LSTA Advisory Council having only one meeting per year.

State Librarian Morris reviewed the mini grant funding for the spring round. There were 15 grant applications, and 15 were funded in the amount of \$112,622. The LSTA Council approved shifting \$12,622 dollars from regular to mini grant funding.

State Library Board LSTA Priorities

Grants Coordinator Wever discussed the six LSTA goals, and the emphasis that the State Board decided to make on three of them a year ago, as well as adding emphasis on innovation. Grants Coordinator Wever asked if, in light of current economics, the State Board wanted to keep the emphasis on the three goals and on innovation. Chair Harward asked if Board Members Freeman and Robinson would work with Grants Coordinator Wever, Assistant Director Mansen and State Librarian Morris to do some research on this topic, and report back to the Board their findings at our next meeting. **(action item #5 – report on recommendation of State Library Board LSTA priorities)**

State Librarian Morris explained to the Board she is considering increasing the security at the library. However, no increased security measures have actually been put into place. A few patrons are concerned that increased security measures would have limit patron access (particularly blind patrons) to the building.

Chair Harward talked about two letters that were received from patrons who are concerned about access to the Library.

Vice Chair Van Buren stated she felt that there appears to be a misunderstanding and that they might understand that the Library was not trying to limit access to the Library if they were provided with an explanation of the various concerns.

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Board Member Robinson stated that he had been contacted by some patrons with concerns about access to the library, and he believes that the misconception was that those visually impaired patrons who had access will no longer have access. He also said that both the State Library and the Services for the Blind, who share the same building, should work together to resolve the issue as he feels that this is a building issue and not a library issue.

Staff Reports

Director's Report:

State Librarian Morris reminded the Board members about the ULA conference coming up in two weeks and wanted to thank members for attending.

State Librarian Morris proposed that a joint letter of appreciation from the Board and her be sent to the Utah recipients of the Library Journal Index of Public Library Service "star library" recognition. Chair Harward moved to have letters of appreciation sent to the "star library" Utah recipients with Board Member Robinson seconding the motion. The motion passed unanimously, Board Member Bessey voting in the affirmative by phone. (**action item #6 – letters of appreciation**)

Assistant Director

Assistant Director Mansen reminded the Board that there is an Outstanding Library Committee and Board Member Ash is the Chair with Board Member Bessey, Vice Chair Van Buren and State Librarian Morris as members. Assistant Director Mansen stated that she has two applications and a promise of three more applications.

Assistant Director Mansen stated that because there is funding this year, all the bookmobiles are being revamped.

Board Member Freeman moved to adjourn the meeting with Board Member Ash seconding the motion. The motion passed unanimously, Board Member Bessey voting in the affirmative by phone.

Adjourned at 4:15 p.m.

Submitted by:


Ronald R. Van Harten
Executive Assistant

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